

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Moussa Sacko  <div>Debtor</div>	16-15151 ELF  Chapter 13 Proceeding
<div>U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE ON BEHALF OF AND WITH RESPECT TO AJAX MORTGAGE LOAN TRUST 2016-2, MORTGAGE-BACKED NOTES, SERIES 2016-2  <div>Movant</div></div> <div>v. Moussa Sacko and William C. Miller, Esquire  <div>Respondents</div></div>	

**CROSS-MOTION OF U.S. BANK NATIONAL ASSOCIATION,  
AS INDENTURE TRUSTEE ON BEHALF OF AND WITH RESPECT TO AJAX MORTGAGE LOAN  
TRUST 2016-2, MORTGAGE-BACKED NOTES, SERIES 2016-2  
FOR AMENDED ORDER FOR RELIEF FROM THE AUTOMATIC STAY**

AND NOW, comes secured Creditor, U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE ON BEHALF OF AND WITH RESPECT TO AJAX MORTGAGE LOAN TRUST 2016-2, MORTGAGE-BACKED NOTES, SERIES 2016-2 (Movant) by and through its counsel, POWERS KIRN & ASSOCIATES, LLC, (Jill Manuel-Coughlin on behalf of the firm), hereby requests that the Court grant it an Amended Order for relief pursuant to 11 U.S.C. §362(d) from the automatic stay of 11 U.S.C. §362(a) due to lack of equity in debtor' property and debtor' failure to provide Movant with adequate protection of its interest in the property which is the basis of the creditor's security.

1. On or about July 20, 2016, Debtor filed a Chapter 13 Bankruptcy Petition.
2. The Debtor has executed and delivered or is otherwise obligated with respect to that certain promissory note in the original principal amount of \$44,900.00 (the "Note"). A copy of the Note is attached hereto as **EXHIBIT A**. Movant is an entity entitled to enforce the Note.
3. On 4/1/2005, the debtor executed a Mortgage to Movant and/or Movant's assignor (recorded 04/15/2005 at Document# 51155895) and secured by the property located at 7234 Paschall Avenue, Philadelphia, PA 19142, referred to as the "Property" (**EXHIBIT B**). All rights and remedies under the Mortgage have been assigned to the Movant pursuant to the following assignments of mortgage, collectively attached hereto as **EXHIBIT C**;
  - a. Mortgage Electronic Registration System, Inc. - Recorded 2/22/2006 at Doc ID#51384829.
  - b. Aurora Loan Services, LLC - Recorded 5/7/2010 at Doc ID#52208347.
  - c. Aurora Bank FSB - Recorded 3/14/2012 at Doc ID# 52458910.
  - d. Lehman Commercial Paper, Inc. - Recorded 3/14/2014 at Doc ID# 52760131

- e. U.S. Bank National Association, as Indenture Trustee on Behalf of and with Respect to AJAX Mortgage Loan Trust 2013-C, Mortgage Backed Notes, Series 2013-C - Recorded 3/14/2014 at Doc ID#52760133.
- f. U.S. Bank National Association, as Indenture Trustee on Behalf of and with Respect to AJAX Mortgage Loan Trust 2016-2, Mortgage-Backed Notes Series 2016-2 - Recorded 11/16/2016 at Doc ID#53137779.
4. As of 9/12/2018, the total owing to Movant is **\$50,216.57**.
5. Per Debtor's Schedule A, the approximate value of the property is \$50,000.00 (**EXHIBIT D**).
6. Per Debtor's Schedule D, the following creditors hold junior liens on the mortgaged premises;
  - a. The City of Philadelphia - Approximate Balance \$1,188.85.
  - b. Pennsylvania Housing Finance Agency - Approximate Balance \$6,072.40.
7. On 11/21/2016, Movant, by way of its predecessor in interest, filed its first Motion for Relief in the name of U.S. Bank National Association, as Indenture Trustee on Behalf of and with Respect to AJAX Mortgage Loan Trust 2013-C, Mortgage-Backed Notes, Series 2013-C. This Motion was originally returnable on 12/22/2016. Movant adjourned this Motion to 1/12/2017 and was forced to Withdraw the Motion since the Debtor brought the account current after the Motion was filed. Debtor refused to agree to a Stipulation Agreement to Stay current on this account.
8. Movant filed its first Post-Petition Fee Notice on 12/21/2016, which sought to notice this court and the Debtor of the Attorneys Fees and Costs incurred for the Motion for Relief (the "PPFN").
9. Movant filed its second Motion for Relief on 5/23/2018, again in the name of *U.S. Bank National Association, as Indenture Trustee on Behalf of and with Respect to AJAX Mortgage Loan Trust 2013-C, Mortgage-Backed Notes, Series 2013-C*. The Motion was inadvertently filed in the name of Movant's predecessor, as *U.S. Bank National Association, as Indenture Trustee on Behalf of and with Respect to AJAX Mortgage Loan Trust 2016-2, Mortgage-Backed Notes Series 2016-2* is the successor in interest by assignment recorded 11/16/2016 from *U.S. Bank National Association, as Indenture Trustee on Behalf of and with Respect to AJAX Mortgage Loan Trust 2013-C, Mortgage-Backed Notes, Series 2013-C*.
10. As of 9/12/2018, the debtor is in arrears post petition for two (2) monthly payments, for August 1, 2018 at through September 1, 2018 \$539.74 per month. The total post-petition arrearage is \$1,079.48, less \$276.38 debtor suspense for a total of **\$803.10**. Debtor has also failed and refused to repay the PPFN amounts in the sum of **\$2,176.00**.
11. Pursuant to 11 U.S.C.A. section 362(d)(1) and (2), U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE ON BEHALF OF AND WITH RESPECT TO AJAX MORTGAGE LOAN TRUST 2016-2, MORTGAGE-BACKED NOTES, SERIES 2016-2 is not adequately protected and will suffer irreparable injury, harm and damage if relief from the stay is not granted.

WHEREFORE, Movant respectfully request the Honorable Court ORDER:

That Relief from the Automatic Stay be granted to U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE ON BEHALF OF AND WITH RESPECT TO AJAX MORTGAGE LOAN TRUST 2016-2, MORTGAGE-BACKED NOTES, SERIES 2016-2 to proceed with foreclosure action to obtain all other Relief available under Non-Bankruptcy law. And that Bankruptcy Rule 4001(a)(3) is not applicable and Movant is allowed to immediately proceed with foreclosure and all other relief available under the Non-Bankruptcy law. Furthermore, Movant respectfully requests that reasonable attorneys fees and costs associated with this Motion be awarded to Movant.

RESPECTFULLY SUBMITTED,

POWERS KIRN & ASSOCIATES, LLC

By: /s/ Jill Manuel-Coughlin, Esquire

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16-1267

Dated: September 19, 2018